REMARKS

In the Office Action, dated July 25, 2005, claims 1-20 are pending in the application. Claim 1-20 have also been rejected. Specifically, claims 1-2, 6, 8-15, and 17-20 are rejected as unpatentable over U.S. Patent No. 6,724,403 (Santoro et al.) in view of U.S. Patent No. 6,727,920 B1 (Vineyard, Jr. et al.). Claims 3-5, and 16 are rejected as unpatentable over Sontoro et al. in view of Vineyard, Jr. et al. and further in view of U.S. Patent No. 5,367,628 (Ote et al.). Finally, claim 7 is rejected as unpatentable over Sontoro et al. in view of Vineyard, Jr. et al. and further in view of U.S. Patent No. 5,850,471 (Brett).

Applicants have considered the Examiner's remarks and respectfully disagree with the statement that "Vineyard's operating systems include Windows 95 and NT, which provides the capability of running two operating systems *simultaneously*..." (Office Action, p. 7, dated July 25, 2005) (emphasis added). To expedite prosecution, the Applicants have amended the claims to add the notion of 'simultaneous emulation' to independent claims 1, 8, 11, and 12, and in support of this, Applicants explain below why this limitation cannot be found in any of the cited art.

Claim Rejections Under 35 U.S.C. § 103(a)

Applicants first reproduce some observations made in the last response, dated May 10, 2005 that are especially apposite to the Examiner's observations:

> Vineyard, Jr. et al. discloses a multiple operating system quick boot utility. Specifically, it discloses a computerized user interface for assisting a computer user by selecting *a default operating system* (one operating system) *for a computer*. The computerized interface operates during a current computing session and provides a list of operating systems available. A user can thus make *a selection* (one selection) using standard controls such as icons, alphanumeric lists and highlighting. Once selected, an operating becomes the default operating system software on the computer. Therefore, during the next startup of the computer a selected operating system will boot unless there is some other intervention. In addition to selecting *an operating system* (one operating system), Vineyard, Jr. et. al. can also be used to cause the computer to restart. Restart can be set to execute immediately or to execute upon a change in the default operating system. Vineyard, Jr. et. al. can also be caused to uninstall thereby erasing the program files relating to it. (Abstract)

In a nutshell, Vineyard, Jr. et al. has a laundry list of operating systems, any one of which can be selected to be the operating system upon reboot. The Summary of The Invention explains this very concisely:

> [T]he present invention provides a method and apparatus for specifying an [one] operating system of choice during a current computing session such that upon reboot, a computer will boot up into a [one] specified operating system.

(col. 3., ll. 13-15). This is the gist of the Vineyard, Jr. et al. invention. No mention is made of *simultaneous* emulation such that multiple operating system can run at one time.

Arguendo, even if Vineyard, Jr. et al. were to somehow hint at such *simultaneous* emulation (which it clearly does not), that would not be enough for Vineyard, Jr. et al. to be used as a reference under § 103(a). The Applicants note that the Federal Circuit has held in *In re Application of Payne*, 606 F.2d 303 (Fed. Cir. 1979) that "[r]eferences relied upon to support a rejection under 35 USC 103 must provide an enabling disclosure, i.e., they must place the claimed invention in the possession of the public (*citing In re Brown*, 51 CCPA 1254, 1259, 329 F.2d 1006, 1011, 141 USPQ 245, 249 (1964)). In short, Vineyard, Jr. et al. would fail as enabling disclosure of *simultaneous* emulation. Hinting at *simultaneous* emulation or even overtly mentioning it is not enough – the reference must explain how this is to be done to place the invention in the possession of the public. Vineyard, Jr. et al. comes up short on this point – and understandably so, since it is concerned about switching one operating system for another upon reboot, not *simultaneous* emulation.

As mentioned above, Applicants have amended the relevant claims in order to more clearly recite the invention – even though Applicants submit that "multiple ... operating systems *being* emulated" (emphasis added) clearly entails the notion of *simultaneous* emulation. However, in order to expedite prosecution, the Applicants have amended independent claims 1, 8, 11, and 12 so that they recite:

- claim 1: "multiple emulated operating systems being emulated by one or more emulator programs running on the host operating system, wherein at least two of the multiple operating systems are being simultaneously emulated"

- claim 8: "multiple emulated virtual machines being emulated by one or more emulator programs running on the host operating system, wherein at least two of the multiple virtual machines are being simultaneously emulated"
- claim 11: "A method for displaying a reduced-size image of multiple emulated computer systems executing on a single computer system, wherein at least two of the multiple computer systems are being simultaneously emulated, said method comprising the steps of:"
- claim 12: "A method for displaying a reduced-size image of multiple emulated computer systems executing on a single computer system, wherein at least two of the multiple computer systems are being simultaneously emulated, said method comprising the steps of:"

Insofar as dependent claims 2-7, 9-10, and 13-20, directly or indirectly depend from claims 1, 8, 11, and 12, respectively, they are also believed to be allowable for the same reasons. Withdrawal of the rejection under § 103(a) is therefore earnestly solicited.

CONCLUSION

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official action, and submits that Claims 1-20 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the Examiner's earliest convenience is earnestly solicited.

Date: September 23, 2005

Grzegorz S. Plichta
Registration No. 55,541

Woodcock Washburn LLP
One Liberty Place - 46th Floor
Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439